

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANA McCARTHY,

Plaintiff,

-against-

PFIZER, et al.,

Defendants.

1:24-CV-5318 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated and entered on July 23, 2024, the Court directed Plaintiff, within 30 days, to either pay the \$405 in fees to bring this *pro se* action or submit an *in forma pauperis* (“IFP”) application. (ECF 4.) On August 2, 2024, Plaintiff filed a “Motion to Request a Postponement of Court Fees and Seal Bank Statements and Income Information in Support of this Claim” (“first motion”). (ECF 5.) Thirteen days later, on August 15, 2024, Plaintiff filed a “Motion for Declaratory Judgment” (“second motion”) (ECF 6.) The Court denies these motions, but grants Plaintiff another 30 days to comply with the Court’s July 23, 2024 order.

**DISCUSSION**

As to the first motion, to the extent that Plaintiff wishes to seek IFP status, the applicable statute, 28 U.S.C. § 1915, requires her to submit “an affidavit that includes a statement of all assets [that she] possesses that [shows that she] is unable to pay [the] fees” to bring this action. 28 U.S.C. § 1915(a)(1). While Plaintiff, who has not submitted any financial statements or any other financial-identification information, need not provide any such statements, nor reveal any financial-account numbers, financial institutions, or other financial-identification information, she must show the Court, in an IFP application, why her financial situation is such that she cannot afford to pay the \$405 in fees to bring this action. Thus, the Court denies Plaintiff’s first motion. In light of Plaintiff’s *pro se* status, however, the Court grants Plaintiff an additional 30

days to comply with the Court's July 23, 2024 order, that is, to either pay the \$405 fees to bring this action or submit a completed and signed IFP application.<sup>1</sup> If Plaintiff fails to pay the \$405 in fees or fails to file a completed and signed IFP application, within the extended time allowed, the Court with dismiss this action.

The Court denies Plaintiff's second motion without prejudice as prematurely filed at this stage of the litigation.

### **CONCLUSION**

The Court denies Plaintiff's "Motion to Request a Postponement of Court Fees and Seal Bank Statements and Income Information in Support of this Claim" (ECF 5.) The Court grants Plaintiff an additional 30 days to comply with the Court's July 23, 2024, that is, to either pay the \$405 fees to bring this action or submit a completed and signed IFP application. If Plaintiff fails to pay the \$405 in fees or fails to file a completed and signed IFP application, within the extended time allowed, the Court with dismiss this action.

The Court also denies Plaintiff's "Motion for Declaratory Judgment" without prejudice. (ECF 6.)

The Court certifies, under 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, IFP status is denied for the purpose of an appeal. *Cf.*

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<sup>1</sup> An IFP application form is attached to this order for Plaintiff's convenience.

*Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: August 16, 2024  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge